

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|-----------------------------------|---|-------------------------------|
| KIMBERLY BALLARD, |] | |
| Plaintiff, |] | |
| |] | |
| vs. |] | Civil Action No: _____ |
| |] | |
| MASS MUTUAL LIFE INSURANCE |] | |
| COMPANY, |] | |
| Defendant. |] | |

**NOTICE OF REMOVAL OF THE ABOVE-CAPTIONED CAUSE TO THE UNITED
STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE,
NASHVILLE DIVISION, FROM THE CIRCUIT COURT FOR SUMNER COUNTY,
TENNESSEE, AT GALLATIN**

Comes the Defendant, Massachusetts Mutual Life Insurance Company (erroneously referred to as "Mass Mutual Life Insurance Company"), pursuant to 28 United States Code, Section 1446(b), and would respectfully show unto the Court:

1. That a civil action has been commenced and is now pending in the Circuit Court for Sumner County, Tennessee, at Gallatin, wherein Kimberly Ballard is the Plaintiff and Massachusetts Mutual Life Insurance Company is the Defendant.
2. That said cause of action is a civil action of which the United States District Courts have original jurisdiction in that the said action is litigation between the citizens of different states, the Plaintiff, Kimberly Ballard, having alleged that she is a resident and citizen of Wilson County, Tennessee, located in the Nashville Division of the Middle District of Tennessee, and that Defendant, Massachusetts Mutual Life Insurance Company, being a corporation organized and doing business under the laws of the Commonwealth of Massachusetts, with its principal place of business in Springfield, Massachusetts.

3. That the Defendant, Massachusetts Mutual Life Insurance Company, seeks the removal of the said action to this Court upon the ground and further reason that the controversy in question is between the citizens of different states and involves more than One Hundred Thousand and 00/100 Dollars (\$100,000.00), exclusive of interest and costs.

4. That the original Complaint in this cause was filed in the Circuit Court for Sumner County, Tennessee, at Gallatin, on 4 September 2009, a copy of the Complaint having been served upon the Defendant, Massachusetts Mutual Life Insurance Company, by certified mail through the office of the State of Tennessee Department of Commerce and Insurance on 15 September 2009.

5. The Defendant, Massachusetts's Mutual Life Insurance Company, hereby respectfully submits itself to the personal jurisdiction of the Untied States District Court for the Middle District of Tennessee, Nashville Division, and is giving notice that the Notice of Removal is being filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee, Nashville Division, by mailing a Notice to the Honorable Eric L. Buchanan, Esquire, the Honorable R. Scott Wilson, Esquire and the Honorable D. Seth Holliday, Esquire, Eric Buchanan & Associates, PLLC, 414 McCallie Avenue, Chattanooga, Tennessee 37402, as attorneys for the Plaintiff, Kimberly Ballard, and the said Defendant, Massachusetts Mutual Life Insurance Company, attaches hereto a copy of all the pleadings filed or entered in this cause to date. Further notice of the removal of this cause of action is being forwarded to the Circuit Court for Sumner County, Tennessee, at Gallatin, as evidenced by the attached copy of said Notice.

WHEREFORE, the Defendant, Massachusetts Mutual Life Insurance Company, gives notice that the action now pending against it in the Circuit Court for Sumner County, Tennessee,

at Gallatin, under the style of Kimberly Ballard v. Mass (sic) Mutual Life Insurance Company, bearing appearance number: 83CC1-2009-CV-1055, has been removed therefrom to this Court.

DATED this the 14th day of October, 2009.

Respectfully submitted,

WILLIS & KNIGHT, PLC

By: /s/ Tyree B. Harris IV

Tyree B. Harris IV
Tennessee Supreme Court
Registration Number 2367

By: /s/ Katherine A. Brown

Katherine A. Brown
Tennessee Supreme Court
Registration Number 10391

215 Second Avenue North
Nashville, Tennessee 37201-1601
Telephone: (615) 259-9600
Facsimile: (615) 259-3490

Attorneys for Defendant, Massachusetts
Mutual Life Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed, via United States mail, first class postage prepaid, on this the 14th day of October, 2009 to:

Eric L. Buchanan, Esquire
R. Scott Wilson, Esquire

D. Seth Holliday, Esquire
Eric Buchanan & Associates, PLLC
414 McCallie Avenue
Chattanooga, TN 37402

/s/ Tyree B. Harris IV
Tyree B. Harris IV